

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JERAMIAH BROWN,

Plaintiff,

**5:22-cv-00761 (BKS/ML)**

v.

FAT DOUGH INCORP., dba DOMINOS PIZZA,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

Jeramiah Brown

Watertown, New York 13601

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On July 20, 2022, Plaintiff Jeramiah Brown commenced this action pro se, asserting claims under the Americans with Disabilities Act (“ADA”). (Dkt. No. 1). Plaintiff also filed motions seeking leave to proceed *in forma pauperis* and requesting appointment of counsel. (Dkt. Nos. 2, 3). This matter was referred to United States Magistrate Judge Miroslav Lovric who, on October 17, 2022, issued an Order and Report-Recommendation granting Plaintiff’s *in forma pauperis* application, denying Plaintiff’s motion for appointment of counsel, and recommending that the Complaint be dismissed with leave to amend. (Dkt. No. 6). Magistrate Judge Lovric advised Plaintiff that, under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 15). No objections to the Report-

Recommendation have been filed. However, on October 31, 2022, Plaintiff filed an Amended Complaint, (Dkt. No. 7), as he was entitled to do as of right under Fed. R. Civ. P. 15(a)(1).

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. The Court has reviewed the Report-Recommendation for clear error and found none. However, as the Amended Complaint supersedes the original Complaint in all respects, N.D.N.Y. L.R. 15.1(a), the portion of the Report-Recommendation that recommends dismissal of the Complaint is rejected as moot.

For these reasons, it is


**ORDERED** that the Report-Recommendation (Dkt. No. 6) is rejected as moot; and it is further

**ORDERED** that the Amended Complaint (Dkt. No. 7) is referred to Magistrate Judge Lovric for review; and it is

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: November 7, 2022  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge